

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1094

By: Coleman

AS INTRODUCED

An Act relating to alcoholic beverage licenses; amending 37A O.S. 2021, Sections 2-109, as amended by Section 2, Chapter 90, O.S.L. 2024, and 2-110, as last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp. 2024, Sections 2-109 and 2-110), which relate to retail wine, retail beer, retail spirits, and mixed beverage licenses; allowing certain licensees to sell certain beverages for off-premise consumption; prohibiting the Alcoholic Beverage Laws Enforcement (ABLE) Commission from promulgating certain rules; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-109, as amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2024, Section 2-109), is amended to read as follows:

Section 2-109. A. A retail spirits license shall authorize the holder thereof:

1 1. To purchase wine or spirits from a wine and spirits
2 wholesaler;

3 2. To purchase beer from a beer distributor or from the holder
4 of a small brewer self-distribution license;

5 3. To sell same on the licensed premises in such containers to
6 consumers for off-premises consumption only and not for resale;
7 provided, spirits, wine and beer may be sold to charitable
8 organizations that are holders of charitable alcoholic beverage
9 auction or charitable alcoholic beverage event licenses; and

10 4. To host alcoholic beverage tastings consistent with
11 subsections D and E of this section.

12 B. A retail wine license shall authorize the holder thereof:

13 1. To purchase wine from a wine and spirits wholesaler;

14 2. To purchase wine from a small farm winemaker who is permitted
15 and has elected to self-distribute as provided in Article XXVIII-A
16 of the Oklahoma Constitution;

17 3. To sell same on the licensed premises in such containers to
18 consumers for off-premises consumption only and not for resale;
19 provided, wine may be sold to charitable organizations that are
20 holders of charitable alcoholic beverage auction or charitable
21 alcoholic beverage event licenses; and

22 4. To host an alcoholic beverage tasting, consistent with
23 subsections D and E of this section.

1 Provided, no holder of a retail wine license may sell wine with
2 alcohol beverage volume in excess of fifteen percent (15%).

3 C. A retail beer license shall authorize the holder thereof:

4 1. To purchase beer from a beer distributor;

5 2. To purchase beer from the holder of a small brewer self-
6 distribution license;

7 3. To sell same on the licensed premises in such containers to
8 consumers for off-premises consumption only and not for resale;
9 provided, beer may be sold to charitable organizations that are
10 holders of charitable alcoholic beverage auction or charitable
11 alcoholic beverage event licenses; and

12 4. To host alcoholic beverage tastings consistent with
13 subsections D and E of this section.

14 Provided, no holder of a retail beer license may sell a malt
15 beverage with alcohol beverage volume in excess of fifteen percent
16 (15%).

17 D. All tastings conducted under this section shall:

18 1. Be conducted under the direct supervision of the licensee
19 authorized to host the tasting;

20 2. Be poured by any ABLE Commission licensee lawfully permitted
21 to serve alcoholic beverages, provided no wine or spirits
22 wholesaler, beer distributor or employee of a wine or spirits
23 wholesaler or beer distributor shall be allowed to pour samples for
24 tastings;

1 3. Use alcoholic beverages purchased by the licensee authorized
2 to host the tastings from a licensed wine and spirits wholesaler,
3 beer distributor, self-distributor, small brewer or self-
4 distributing winery authorized to sell the same, and the licensee
5 shall pay the applicable taxes on the alcoholic beverages purchased;
6 provided, the licensee may only provide samples of alcoholic
7 beverages that its license is authorized to sell;

8 4. Be restricted to persons twenty-one (21) years of age or
9 older;

10 5. Be limited to no more than one (1) fluid ounce of spirits,
11 two (2) fluid ounces of wine or three (3) fluid ounces of beer per
12 consumer per day; and

13 6. Be consumed on the licensed premises of the licensee
14 authorized to host the tastings or at a location other than the
15 licensed premises, provided no samples served on the licensed
16 premises shall be permitted to be removed from the licensed
17 premises.

18 E. All licensees authorized to serve samples pursuant to
19 subsection D of this section shall ensure that:

20 1. All samples are poured only from original sealed packaging;

21 2. Any alcoholic beverages remaining in unsealed packaging used
22 to provide samples, excluding spirits, are poured out by the end of
23 the day;

1 3. No more than six (6) bottles of alcoholic beverages are
2 unsealed at any given time; and

3 4. No person shall remove any samples from the licensed premises
4 or location where the tasting has occurred.

5 F. 1. Retail spirits, retail wine, and retail beer licensees
6 shall be authorized to host educational alcoholic beverage training,
7 which includes tastings, for employees who are licensed to sell such
8 beverages on the licensed premises in such containers to consumers
9 for off-premises consumption only. Alcoholic beverages for training
10 purposes may be provided by wine and spirits wholesaler licensees
11 and beer distributor licensees.

12 2. All such tastings shall be consumed on licensed premises of
13 the licensee authorized to host the tastings or at a location other
14 than the licensed premises, and under the direct supervision of the
15 licensee. Samples shall be poured by a licensee who is lawfully
16 permitted to serve alcoholic beverages on the licensed premises in
17 such containers to consumers for off-premises consumption only in
18 this state. Tastings shall be restricted to employees who are
19 twenty-one (21) years of age or older. Participation in tastings
20 for educational purposes may be required by an employer; however,
21 the choice to taste or consume alcoholic beverages shall always be
22 voluntary. No employee may be required to taste or consume alcohol
23 at tastings as a condition of employment.

1 3. An educational tasting of beer may consist of not more than
2 six separate individual beers of not more than two (2) ounces each,
3 served together at one time. No employee may sample more than a
4 total of twelve (12) fluid ounces of beer per day. An educational
5 tasting of wine may consist of not more than six separate individual
6 wines of not more than one (1) ounce each, served together at one
7 time. No employee may sample more than a total of six (6) fluid
8 ounces of wine per day. An educational tasting of spirits shall
9 consist of not more than three separate individual spirits of not
10 more than one-half (0.5) ounce each, served together at one time.
11 No employee may sample more than a total of one and one-half (1.5)
12 fluid ounces of spirits per day. No employee may sample more than a
13 total of twelve (12) ounces of beer, six (6) ounces of wine, or one
14 and one-half (1.5) ounces of spirits per day. Only one type of
15 alcoholic beverage of beer, wine, or spirits shall be allowed at any
16 education training tasting. No combination tasting shall be
17 allowed. Employees who choose to taste an alcoholic beverage but do
18 not wish to consume the alcoholic beverage shall be allowed to spit
19 the beverage into a cup for disposal. Employees may participate in
20 educational tastings before, during, or after regular business hours
21 unless otherwise prohibited by law. All licensees serving samples
22 of beer shall ensure that all samples are poured only from original
23 sealed packaging and any alcoholic beverages remaining in unsealed
24 packaging used to provide samples, excluding spirits and wine, are

1 poured out by the end of the day. No more than six bottles of
2 alcoholic beverages may be unsealed at any given time during a
3 tasting. All packaging containing samples of wine and spirits shall
4 be clearly marked as a sample and any unused portions of the sample
5 of wine or spirits shall be resealed and retained by the wine and
6 spirits wholesaler for use at the next tasting authorized in this
7 paragraph. Wine and spirits wholesaler employees may transport any
8 resealed samples of wine and spirits in their vehicles. Beer, wine,
9 and spirits samples shall not be considered withdrawn from the
10 inventory of the beer distributor or wine and spirits wholesaler for
11 purposes of the collection of the excise tax on beer, wine, and
12 spirits. Tastings offered to licensees by wine and spirits
13 wholesalers and beer distributors shall not be deemed discrimination
14 or an inducement under Section 3-123 of this title.

15 G. Retail spirits, retail wine, and retail beer licensees shall
16 be authorized to sell such beverages on the licensed premises in
17 such containers to consumers for off-premises consumption.

18 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-110, as
19 last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp.
20 2024, Section 2-110), is amended to read as follows:

21 Section 2-110. A. A mixed beverage license shall authorize the
22 holder thereof:
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1 1. To purchase alcohol, spirits, beer and/or wine in retail
2 containers from the holder of a wine and spirits wholesaler and beer
3 distributor license as specifically provided by law;

4 2. To sell, offer for sale and possess mixed beverages for on-
5 premises consumption only, provided:

6 a. the holder of a mixed beverage license issued for an
7 establishment which is also a restaurant may purchase
8 wine directly from a winemaker and beer directly from
9 a small brewer who is permitted and has elected to
10 self-distribute as provided in Article XXVIII-A of the
11 Oklahoma Constitution, and

12 b. the holder of a mixed beverage license that is also a
13 holder of a retail wine license or retail beer license
14 or both a retail wine license and retail beer license
15 shall not be prohibited from the on-premises sale of
16 wine or beer, according to the license held, for off-
17 premises consumption, subject to the limitations of
18 the retail wine license or retail beer license; and

19 3. To sell spirits in their original packages for consumption
20 on its premises under the following conditions:

21 a. spirits in their original packages shall remain and be
22 consumed in the club suite of a mixed beverage
23 licensee and may not be removed from the club suite if
24 not consumed in their entirety at or before the

1 conclusion of the period for which the club suite was
2 made available to a specific patron or patrons by the
3 mixed beverage licensee, and

4 b. spirits in their original packages to be consumed in
5 the club suite are provided exclusively by the mixed
6 beverage licensee.

7 B. Sales and service of mixed beverages by holders of mixed
8 beverage licenses shall be limited to the licensed premises of the
9 licensee unless the holder of the mixed beverage license also
10 obtains a caterer license or a mixed beverage/caterer combination
11 license, or if the holder of a mixed beverage license is an
12 Entertainment District Tenant Party as defined in Section 2393 of
13 Title 68 of the Oklahoma Statutes. A mixed beverage license shall
14 only be issued in counties of this state where the sale of alcoholic
15 beverages by the individual drink for on-premises consumption has
16 been authorized. A separate license shall be required for each
17 place of business.

18 C. Sales and service of mixed beverages by holders of mixed
19 beverage licenses of an Entertainment District Tenant Party shall be
20 limited to the premises of an Entertainment District. For purposes
21 of this subsection, premises may be defined as the designated area
22 of an Entertainment District as defined in Section 2393 of Title 68
23 of the Oklahoma Statutes.

1 D. Holders of a mixed beverage license shall not be prohibited
2 from obtaining and holding a retail beer license or retail wine
3 license or both a retail beer license and retail wine license; nor
4 shall the Alcoholic Beverage Laws Enforcement (ABLE) Commission
5 promulgate any rule that prevents a holder of a mixed beverage
6 license from operating within the premises of, or immediately
7 adjacent to, a retail wine or retail beer license; provided, that
8 each holder qualifies and maintains the qualifications for each
9 license held as set forth in this title and the rules promulgated by
10 the Alcoholic Beverage Laws Enforcement (ABLE) Commission.

11 E. Upon application, a mixed beverage license shall be issued
12 for any place of business functioning as a motion picture theater,
13 as defined by Section 1-103 of this title. Provided, that upon
14 proof of legal age to consume alcohol, every patron being served
15 alcoholic beverages shall be required to wear a wrist bracelet or
16 receive a hand stamp identifying the patron as being of legal age to
17 consume alcohol. This requirement shall only apply inside a motion
18 picture theater auditorium where individuals under the legal age to
19 consume alcohol are allowed.

20 F. Holders of a mixed beverage license with a licensed premises
21 on a business establishment that meets the classification of a golf
22 course or country club pursuant to the most recently adopted North
23 American Industry Classification System (NAICS) may also sell beer
24 in sealed original packages for on-premises consumption. Such

1 holders' sales of more than two sealed original packages to one
2 person at one time for on-premises consumption shall not be
3 considered an unlawful inducement to stimulate consumption of
4 alcoholic beverages under the Oklahoma Alcoholic Beverage Control
5 Act, and patrons may remove sealed original packages from the
6 licensed premises.

7 SECTION 3. This act shall become effective November 1, 2025.

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